

REMARKS

Reconsideration is respectfully requested in light of the foregoing Amendment and remarks that follow.

Claims 2-14 are before the Examiner. Claim 1 was withdrawn from consideration by the Examiner pursuant Rule 142(b) as directed to a non-elected invention. The election was without traverse.

Claim 6 has been amended to improve clarity. Subject matter cancelled from claim 6 has been included in new claim 14. Claim 2 has been amended to improve clarity and to include a cooling means. Support is found in paragraph 26, which bridges pages 13 and 14 of the instant specification. The cooling means includes water flow via bores (34) to floor(s) (33). The rod(s) (32) contain the bores (34). Also see Figure 3 for support. Figure 3 shows the cooling means embodiment and also illustrates the separate, independent movement of the floor (33) relative to the bell (35). Regarding support for the "multiple row arrangement", see paragraphs 10 and 12 of the instant specification. The cooling means and predominantly axial movement achieve the disclosed advantages including high cycle rates and low wear. See, for example, paragraphs 12 and 14.

Claims 6-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse.

Claim 6 has been amended to address the points raised in the Official Action. In light of the amendment, withdrawal of the rejection is respectfully requested.

(09/986,755)

Claims 2-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by UK Patent (2,079,668). Applicants respectfully traverse.

For a reference to be anticipatory, it must teach each and every element claimed.

The UK Patent (2,079,668) corresponds to German Patent reference No. DE 3024683, which is discussed in paragraph 10 of the instant specification. A distinguishing feature- capable of arrangement in multiple rows – set forth in paragraph 10 now appears in claim 2 as amended.

In addition, claim 2 has been amended to include other limitations not apparent in the UK Patent, e.g. cooling water bores and independent movement of the bore and floor relative to each other.

Since the UK Patent fails to teach each and every element required by the claims as amended, there is no anticipation. Withdrawal of the rejection is respectfully requested.

Claims 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the UK patent ('668) and further in view of Yaita et al. (4,758,394). Applicants respectfully traverse.

Yaita et al. has been considered. The teachings provided therein do not remedy the deficiencies noted above.

Further, while Yaita et al. do mention stainless steel amongst a myriad of other possible metals and alloys. There is no reason apparent from the Office Action as to why one would be motivated to select a stainless steel, an alloy. Further, not all stainless steels can be hardened by heat treatment. Accordingly, it is not clear that Yaita et al. inherently teach a harden steel as a possibility.


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A proper prima facie case has not been established as to the claims as amended. The teaching provided by the references are deficient in that regard. Withdrawal of the rejection is respectfully requested.

In view of the foregoing amendments and remarks, the application is believed to be in condition for allowance and a notice to that effect is respectfully requested.

Should the Examiner not find the Application to be in allowable condition or believe that a conference would be of value in expediting the prosecution of the Application, Applicants request that the Examiner telephone undersigned Counsel to discuss the case and afford Applicants an opportunity to submit any Supplemental Amendment that might advance prosecution and place the Application in allowable condition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Thomas G. Wiseman', is written over a horizontal line.

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